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ORDER

The attached Stipulation in Settlement and Decision is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter and shall become effective on the 3rd day of April, 1995.

IT IS SO ORDERED this 2nd day of March, 1995.



DIVISION OF MEDICAL QUALITY
Medical Board of California
Department of Consumer Affairs
State of California

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SANFORD FELDMAN,
Deputy Attorney General
3 State Bar No. 47775
P.O. Box 85266
4 San Diego, California 92186-5266
Telephone: (619) 645-2079
5 Attorneys for Complainant
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7

8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)	Case No. D-5169
Against:)	OAH No. L-62936
12)	
13 Gerald Lundahl, M.D.)	STIPULATION IN SETTLEMENT,
4200 Chino Hills Parkway)	<u>DECISION AND ORDER</u>
Chino Hills, CA 91709)	
14)	
Physician's and Surgeon's)	
15 Certificate No. A28772)	
16 Respondent.)	

17
18 IT IS HEREBY STIPULATED by and between the parties in
19 the above-entitled matter as follows:

20 1. Complainant Dixon Arnett is the Executive Director
21 of the Medical Board of California, Department of Consumer
22 Affairs, State of California (hereinafter "Board"), and is
23 represented herein by Daniel E. Lungren, Attorney General of the
24 State of California, by Sanford Feldman, Deputy Attorney General.

25 2. Gerald Lundahl, M.D., is represented herein by
26 Frederick W. De Lisio, Esq.

27 / / /

1 3. On or about July 25, 1961, Gerald Lundahl, M.D. was
2 issued Osteopathic Physician's and Surgeon's Certificate
3 No. 20A2741. Thereafter, Gerald Lundahl, M.D. (hereinafter
4 "respondent"), elected to use the designation "M.D." rather than
5 "D.O." and to come under the jurisdiction of the Medical Board of
6 California. Accordingly, on or about March 21, 1975, respondent
7 was issued Certificate No. A28772, authorizing him to practice
8 medicine in the State of California. At all times mentioned
9 herein said Certificate was, and now is, in full force and
10 effect. Respondent is not authorized to supervise Physician
11 Assistants. Respondent has no record of prior discipline.

12 4. On April 29, 1993, complainant Dixon Arnett, in his
13 official capacity as Executive Director of the Board, filed
14 Accusation No. D-5169 against respondent, a copy of which is
15 attached hereto as Attachment "A" and incorporated by reference
16 as if fully set forth herein.

17 5. On May 5, 1993, respondent was served with a
18 copy of Accusation No. D-5169, together with copies of all
19 other statutorily required documents, at his address of record:
20 1055 E. La Habra Blvd., La Habra, CA 90631. Thereafter, on or
21 about May 21, 1993, a notice of defense was filed on respondent's
22 behalf by his attorney of record, Frederick W. De Lisio.

23 6. Respondent has carefully read and fully understands
24 the charges and allegations contained in the Accusation in Case
25 No. D-5169, and has fully reviewed same with his attorney of
26 record, Frederick W. De Lisio.

27 / / /

1 7. Respondent has carefully read and fully understands
2 the contents, force, and effect of this Stipulation in
3 Settlement, Decision and Order, and has fully reviewed same with
4 his attorney of record, Frederick W. De Lisio.

5 8. Respondent is fully aware of his right to a
6 hearing on the charges and allegations contained in Accusation
7 No. D-5169, his right to present witnesses and evidence on his
8 own behalf, his right to cross-examine all witnesses testifying
9 against him, his right to reconsideration, judicial review,
10 appeal, and all other rights which may be accorded him pursuant
11 to the California Administrative Procedure Act and the California
12 Code of Civil Procedure, having been fully advised of same by his
13 attorney of record, Frederick W. De Lisio.

14 9. Respondent, having the benefit of counsel, hereby
15 freely, knowingly, intelligently and voluntarily waives his right
16 to a hearing on the charges and allegations contained in
17 Accusation No. D-5169, his right to present witnesses and
18 evidence on his own behalf, his right to cross-examine all
19 witnesses testifying against him, his right to reconsideration,
20 judicial review, appeal, and all other rights which may be
21 accorded him pursuant to the California Administrative Procedure
22 Act and the California Code of Civil Procedure.

23 10. Respondent, having the benefit of counsel, hereby
24 freely, knowingly, intelligently, and voluntarily admits the
25 complete truth and accuracy of the allegations in paragraphs 4
26 and 5 in Accusation No. D-5169, a copy of which is attached
27 hereto as Attachment "A" and incorporated by reference as if

1 fully set forth herein. These admissions which, are being made
2 for the sole purpose of settling Case No. D-5169, shall have no
3 force or effect in any other proceeding except: (1) any future
4 proceeding between the Medical Board of California and
5 respondent; and/or (2) any action taken by any governmental body
6 responsible for licensing and/or regulating physicians and
7 surgeons.

8 11. This Stipulation in Settlement, Decision and Order
9 is intended by the parties herein to be an integrated writing
10 representing the complete, final and exclusive embodiment of the
11 agreements of the parties.

12 12. This Stipulation in Settlement, Decision and Order
13 shall be subject to the approval of the Division of Medical
14 Quality of the Medical Board of California, Department of
15 Consumer Affairs, State of California (hereinafter "Division").
16 To facilitate acceptance of this Stipulation in Settlement,
17 Decision and Order, respondent agrees counsel for complainant may
18 communicate directly with the Division of Medical Quality,
19 without notice to respondent or his counsel and in the absence of
20 respondent or his counsel. If the Division fails, for any
21 reason, to approve this Stipulation in Settlement, Decision and
22 Order, it shall be of no force and effect for either party.

23 WHEREFORE, IT IS STIPULATED that the Division may,
24 without further notice or formal proceeding, issue and enter the
25 following decision and order in Case No. D-5169:

26 / / /

27 / / /

1 examination. The waiting period between repeat examinations
2 shall be at three months intervals until success is achieved.
3 Respondent shall pay the cost of all examinations. If respondent
4 fails an examination, respondent shall cease the practice of
5 medicine until the re-examination has been successfully passed,
6 as evidenced by written notice to respondent from the Division.
7 Failure to pass the required examinations no later than one year
8 from the effective date of this decision shall constitute a
9 violation of probation.

10 2. CONTROLLED SUBSTANCES RESTRICTION: Beginning with
11 the effective date of this order and continuing for two years
12 thereafter, respondent shall not prescribe, administer, dispense,
13 order, or possess any controlled substances as defined in the
14 California Uniform Controlled Substances Act, except for the
15 following controlled substances: 1) fenfluramine,
16 2) diethylpropion, 3) phentermine, and 4) phendimetrazine.
17 The foregoing prohibition on possession of controlled substances
18 does not apply to controlled substances lawfully prescribed to
19 respondent for a bona fide illness or condition by another
20 practitioner.

21 3. CONTROLLED SUBSTANCES RECORD: Beginning with the
22 effective date of this order and continuing throughout the period
23 of probation, respondent shall maintain a record of all
24 controlled substances prescribed, dispensed or administered by
25 respondent during the third, fourth and fifth years of probation,
26 showing all the following: 1) the name and address of the
27 patient, 2) the date, 3) the character and quantity of controlled

1 substances involved, and 4) the indications and diagnosis for
2 which the controlled substance was furnished. Respondent shall
3 keep these records in a separate file or ledger, in chronological
4 order, and shall make them available for inspection and copying
5 by the Division or its designee, upon request.

6 4. COMMUNITY SERVICE: Within sixty (60) days of the
7 effective date of this decision, respondent shall submit to the
8 Division for its prior approval a community service program in
9 which respondent shall provide non-medical services on a regular
10 basis to a community or charitable facility or agency for at
11 least ten (10) hours per month for the first twenty four (24)
12 months of probation.

13 5. EDUCATION COURSE: Within ninety (90) days of the
14 effective date of this decision, and on an annual basis
15 thereafter, respondent shall submit to the Division for its prior
16 approval an educational program related to the prescription, use,
17 effect and abuse of controlled substances, and the treatment of
18 persons addicted to controlled substances, which shall not be
19 less than forty (40) hours per year, for each year of probation.
20 This program shall be in addition to the Continuing Medical
21 Education requirements for re-licensure. Following completion of
22 each course, the Division or its designee may administer an
23 examination to test respondent's knowledge of the course. At the
24 conclusion of each year of probation, respondent shall provide
25 proof of attendance for sixty-five (65) hours of continuing
26 medical education of which forty (40) hours were in satisfaction
27 of this condition and were approved in advance by the Division.

1 6. ETHICS: Within sixty (60) days of the effective
2 date of this decision, respondent shall submit to the Division
3 for its prior approval a course in Ethics, which respondent shall
4 successfully complete during the first year of probation.

5 7. REIMBURSEMENT OF COSTS: Respondent shall pay to
6 the Medical Board of California the sum of Six Thousand Dollars
7 (\$6,000.00) as reimbursement for its costs of investigation.
8 Said reimbursement shall be paid in five equal installments of
9 One Thousand Two Hundred Dollars (1,200.00) each. The first
10 payment shall be paid on the last day of the first year of
11 probation with the following payments paid in one year intervals
12 thereafter beginning with the last day of the second year of
13 probation.

14 8. OBEY ALL LAWS: Respondent shall obey all federal,
15 state and local laws and all rules and regulations governing or
16 relating to the practice of medicine in California, or bearing on
17 respondent's ability or fitness to practice medicine.

18 9. QUARTERLY REPORTS: Respondent shall submit
19 quarterly declarations under penalty of perjury on forms provided
20 by the Division, stating whether there has been compliance with
21 all the terms and conditions of probation.

22 10. SURVEILLANCE PROGRAM: Respondent shall comply with
23 the Division's probation surveillance program.

24 11. INTERVIEW WITH MEDICAL CONSULTANT: Respondent
25 shall appear in person for interviews with the Division's medical
26 consultant upon request at various intervals and with reasonable
27 notice.


1 12. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE:

2 The period of probation shall not run during the time respondent
3 is residing or practicing outside the jurisdiction of California.
4 If, during probation, respondent moves out of the jurisdiction of
5 California to reside or practice elsewhere, respondent is
6 required to immediately notify the Division in writing of the
7 date of departure, and the date of return, if any.

8 12. VIOLATION OF PROBATION: If it is established
9 respondent has violated the foregoing terms or conditions of
10 probation, in any respect, the Division, after giving respondent
11 notice and opportunity to be heard, may revoke probation and
12 carry out the disciplinary order that was stayed, i.e.,
13 revocation of Physician's and Surgeon's Certificate No. A28772.
14 If an accusation or petition to revoke probation is filed against
15 respondent during probation, the Division shall have continuing
16 jurisdiction until the matter is final, and the period of
17 probation shall be extended until the matter is final.


18 13. SUCCESSFUL COMPLETION OF PROBATION: Upon
19 successful completion of probation, respondent's certificate will
20 be fully restored.

21
22 Dated: 6-23-94



SANFORD FELDMAN
Deputy Attorney General
Attorney for Complainant

23
24
25
26 Dated: 6-23-94

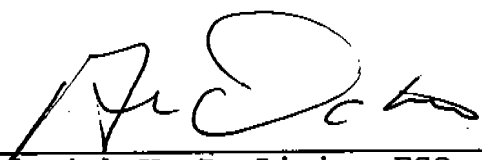


Gerald Lundahl, M.D.
Respondent

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Dated:

June 23, 1994



Frederick W. De Lisio, ESQ.
Attorney for Respondent

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14 Dated:

Gerald R Lundahl M.D.
Gerald Lundahl, M.D.
Respondent

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SANFORD FELDMAN, [State Bar No. 47775]
Deputy Attorney General
3 [110 West A Street, Suite 700]
P. O. Box 85266
4 San Diego, California 92186-5266
Telephone: (619) 237-7146

5 Attorneys for Complainant
6 Medical Board of California

7
8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DIVISION OF ALLIED HEALTH PROFESSIONS
11 DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA
13

14 In the Matter of the Accusation)	No. D-5169
Against:)	
15)	
16 GERALD LUNDAHL, M.D.)	ACCUSATION
Physician's and Surgeon's)	
Certificate No. A-28772)	
17)	
Respondent)	
18)	

19 COMES NOW Complainant DIXON ARNETT who as cause for
20 disciplinary action against the above-named Respondent charges
21 and alleges as follows:

22 1. Complainant is the Executive Director of the
23 Medical Board of California (hereinafter the "Board") and makes
24 and files this Accusation solely in his official capacity as such
25 and not otherwise.

26 2. License Status. On or about July 25, 1961, Gerald
27 Dale Lundahl, M.D., Respondent herein and hereinafter referred to

1 as Respondent, was issued Osteopathic Physician and Surgeon's
2 Certificate No. 20A2741. In 1962, he elected to use the
3 designation "M.D." rather than "D.O." and come under the
4 jurisdiction of the Medical Board of California. On March 21,
5 1975, Respondent was issued License No. A28772 by the Board, and
6 at all times relevant herein, said certificate was, and currently
7 is, in full force and effect.

8 Statutes

9 3. This Accusation is made, and Respondent is subject
10 to disciplinary action, pursuant to the following statutes:

11 a. Business and Professions Code section 2200
12 provides, in pertinent part, that the Division of Medical Quality
13 may take action against all persons guilty of violating the
14 provisions of Chapter 5 of Division 2 of that Code.

15 b. Business and Professions Code section 2227 provides
16 that a licensee whose matter has been heard by the Division of
17 Medical Quality, by a medical quality review committee or a panel
18 of such committee, or by an administrative law judge, or whose
19 default has been entered, and who is found guilty may, in
20 accordance with the provisions of this chapter: (a) have his or
21 her certificate revoked upon order of the division; (b) have his
22 or her right to practice suspended for a period not to exceed one
23 year upon order of the division or a committee or panel thereof;
24 (c) be placed on probation upon order of the division or a
25 committee or panel thereof; (d) be publicly reprimanded by the
26 division or a committee or panel thereof; (e) have such other
27 action taken in relation to discipline as the division, a

1 committee or panel thereof, or an administrative law judge may
2 deem proper.

3 c. Business and Professions Code section 2234 provides,
4 in pertinent part:

5 "The Division of Medical Quality shall take action
6 against any licensee who is charged with unprofessional
7 conduct. In addition to the other provisions of this
8 article, unprofessional conduct includes, but is not
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or
11 indirectly, or assisting in or abetting the violation of,
12 or conspiring to violate, any provision of this chapter.

13 "(b) Gross negligence.

14 "(c) Repeated negligent acts.

15 "(d) Incompetence.

16 ". . . "

17 d. Business and Professions Code section 2238
18 provides:

19 "A violation of any federal statute or federal
20 regulation or any of the statutes or regulations of
21 this state regulating dangerous drugs or controlled
22 substances
23 constitutes unprofessional conduct."

24 e. Business and Professions Code section 725 provides:

25 "Repeated acts of clearly excessive prescribing or
26 administering of drugs or treatment, repeated acts of
27 clearly excessive use of diagnostic or treatment

1 facilities as determined by the standard of the
2 community of licensees is unprofessional conduct for a
3 physician and surgeon...."

4 f. Business and Professions Code section 2242(a)
5 provides:

6 "Prescribing, dispensing, or furnishing dangerous
7 drugs as defined in Section 4211 without good faith
8 prior examination and medical indication therefor,
9 constitutes unprofessional conduct."

10 g. Business and Professions Code section 4211 defines
11 "dangerous drugs" as follows:

12 "'Dangerous drug' means any drug unsafe for self
13 medication, except for veterinary drugs which are
14 labeled as such, and includes the following:

15 "(a) Any drug which bears the legend: 'Caution:
16 federal law prohibits dispensing without prescription' or
17 words of similar import...."

18 h. Health and Safety Code section 11153 provides,
19 inter alia, that a prescription for a controlled substance shall
20 only be issued for a legitimate medical purpose.

21 i. Health and Safety Code section 11154, a statute
22 regulating controlled substances, provides that except in the
23 regular practice of his or her profession, no person shall
24 knowingly prescribe, administer, dispense, or furnish a
25 controlled substance to or for any person or animal which is not
26 under his or her treatment for a pathology or condition other
27 than addiction to a controlled substance, except as provided in

1 Division 10, sections 11000, et seq., of the Health and Safety
2 Code.

3 j. Health and Safety Code section 11157 provides that
4 no person shall issue a prescription that is false or fictitious
5 in any respect.

6 Charges & Allegations

7 PATIENT GEORGE R.

8 4. Respondent Gerald D. Lundahl, M.D., is subject to
9 disciplinary action on account of the following:

10 a. Patient George R., was seen by Respondent from
11 approximately 1972 to approximately December 28, 1987. During
12 this period of time, no information is recorded in Respondent's
13 chart notes documenting his complaint or reason for treatment.
14 During this period of time, Respondent repeatedly and excessively
15 prescribed the following controlled substances and dangerous
16 drugs to George R., without a good faith examination and medical
17 indication and without justifying pathology, on or about the
18 following dates and in the following amounts:

19 <u>Date</u>	<u>Type</u>	<u>Amount</u>
20 September 21, 1976	Fiorinal #3	50
21 September 21, 1976	Soma	50
22 February 28, 1977	Erythromycin	20
23 April 11, 1977	Fiorinal #3	60 (x2)
24 May 23, 1977	Erythromycin	20
25 June 20, 1977	Soma w/Codeine	100
26 July 12, 1977	Soma w/Codeine	100
27 November 7, 1977	Soma w/Codeine	100

1	December 28, 1977	Dalmane	30
2	January 30, 1978	Dalmane	30
3	February 9, 1978	Soma w/Codeine	100
4	March 7, 1978	Drixoral	100
5	April 24, 1978	Soma w/Codeine	50
6	May 15, 1978	Soma w/Codeine	50
7	May 31, 1978	Soma w/Codeine	50
8	June 6, 1978	Dalmane	30
9	June 29, 1978	Robaxin	60
10	July 6, 1978	Dalmane	30
11	July 6, 1978	Robaxin	60
12	July 6, 1978	Librax	100
13	July 12, 1978	Fiorinal #3	100
14	July 13, 1978	Robaxin	60
15	July 17, 1978	Robaxin	60
16	August 1, 1978	Librax	100
17	August 24, 1978	Drixoral	100
18	September 7, 1978	Librax	100
19	October 2, 1978	Librax	100
20	October 13, 1978	Symatac	40
21	October 31, 1978	Librax	100
22	December 27, 1978	Librax	100
23	January 12, 1979	Dalmane	30
24	February 1, 1979	Librax	100
25	February 14, 1979	Fiorinal #3	100
26	March 6, 1979	Dalmane	30
27	March 6, 1979	Drixoral	100

1	March 19, 1979	Librax	100
2	April 30, 1979	Darvon Comp	100
3	May 4, 1979	Librax	100
4	May 14, 1979	Dalmane	30
5	May 22, 1979	Robaxin	100
6	June 22, 1979	Darvon Compound 65	100
7	July 16, 1979	Dalmane	30
8	September 4, 1979	Dalmane	30
9	September 6, 1979	Drixoral	100
10	October 1, 1979	Librax	100
11	October 2, 1979	Robaxin	100
12	October 8, 1979	Fiorinal	100
13	November 15, 1979	Sinequan	U/K
14	November 15, 1979	Darvocet	U/K
15	December 4, 1979	Inderal	100
16	May 12, 1980	Drixoral	U/K
17	May 28, 1980	Dalmane	60
18	July 15, 1980	Vibramycin	10
19	July 22, 1980	Vibramycin	20
20	July 28, 1980	Fiorinal	100
21	January 29, 1981	Cafergot	U/K
22	January 29, 1981	Tigan	100
23	March 11, 1981	Cafergot	36
24	March 11, 1981	Tigan	20
25	April 3, 1981	Donnatal	200
26	July 24, 1981	Lidex cream	30gr.
27	July 27, 1981	Terramycin	U/K

1	July 27, 1981	Tetracycline	U/K
2	July 27, 1981	Tigan	U/K
3	October 9, 1981	Dalmane	15
4	March 12, 1982	Supp. P.B.	36
5	April 19, 1982	Soma w/Codeine	100
6	May 3, 1982	Emperin w/Codeine	60
7	June 15, 1982	Emperin w/Codeine	60
8	August 18, 1982	Fiorinal #3	100
9	August 20, 1982	Cafergot	U/K
10	August 20, 1982	Neodecadron	U/K
11	August 30, 1982	Dalmane	30
12	September 9, 1982	Fiorinal #3	100
13	September 13, 1982	Neodecadron ophthalmic	U/K
14	September 23, 1982	Neodecadron ophthalmic	U/K
15	October 5, 1982	Fiorinal #3	100
16	October 28, 1982	Fiorinal #3	100
17	November 24, 1982	Bellergal	U/K
18	November 24, 1982	Damason	100
19	January 31, 1983	Tetracycline	U/K
20	January 31, 1983	Fiorinal #3	100
21	January 31, 1983	Inderal	100
22	February 4, 1983	Drixoral	U/K
23	March 17, 1983	Fiorinal #3	100
24	May 5, 1983	Fiorinal #3	100
25	May 5, 1983	Decadron Eye Drops	U/K
26	May 10, 1983	Fiorinal	100
27	August 26, 1983	Soma w/Codeine	60

1	September 7, 1983	Fiorinal #2	100
2	September 19, 1983	Fiorinal #3	100
3	September 19, 1983	Equagusiz/Equagesic	100
4	September 29, 1983	Fiorinal #3	100
5	October 10, 1983	Fiorinal #2	100
6	October 19, 1983	Fiorinal #3	100
7	October 19, 1983	Soma Comp	60
8	October 27, 1983	Fiorinal #2	100
9	November 7, 1983	Fiorinal #3	100
10	November 7, 1983	Soma w/Codeine	60
11	December 19, 1983	Fiorinal #3	100
12	January 4, 1984	Fiorinal #3	100
13	January 23, 1984	Fiorinal #3	100
14	February 22, 1984	Fiorinal #3	100
15	February 24, 1984	Damacron/Demason	100
16	March 30, 1984	Fiorinal #3	100
17	April 23, 1984	Fiorinal #3	100
18	May 14, 1984	Fiorinal #3	100
19	May 24, 1984	Lomotil	60
20	June 5, 1984	Fiorinal #2	100
21	June 5, 1984	Inderal	U/K
22	June 28, 1984	Fiorinal	100
23	June 28, 1984	Soma w/Codeine	60
24	July 13, 1984	Fiorinal #3	100
25	August 14, 1984	Fiorinal #3	100
26	October 1, 1984	Fiorinal #3	100
27	December 3, 1984	Flexaril	U/K

1	January 9, 1985	Fiorinal #3	60
2	March 20, 1985	Tetracycline	U/K
3	April 5, 1985	Damason	40
4	August 15, 1985	Tylenol #3	100
5	August 27, 1985	Nicorette	U/K
6	September 27, 1985	Tylenol w/Codeine	100
7	September 27, 1985	Zantac	100
8	October 16, 1985	Lomotil	60
9	October 16, 1985	Fiorinal	40
10	November 20, 1985	Fiorinal #3	100
11	November 20, 1985	Demerol	100
12	December 5, 1985	Fiorinal #3	U/K
13	December 26, 1985	Fiorinal #3	100
14	January 21, 1986	Fiorinal #3	60
15	March 19, 1986	Fiorinal #3	60
16	April 11, 1986	Fiorinal #3	60
17	April 11, 1986	Lomotil	60
18	June 11, 1986	Fiorinal #3	60
19	July 7, 1986	Fiorinal	48
20	August 29, 1986	Fiorinal #3	60
21	September 26, 1986	Fiorinal #3	60
22	October 17, 1986	Lomotil	60
23	October 23, 1986	Fiorinal #3	60
24	November 18, 1986	Fiorinal #3	60
25	December 10, 1986	Fiorinal #3	60
26	March 3, 1987	Fiorinal #3	60
27	April 20, 1987	Fiorinal #3	100

1	May 15, 1987	Fiorinal #3	60
2	June 1, 1987	Fiorinal #3	60
3	June 26, 1987	Fiorinal #3	100
4	July 20, 1987	Fiorinal #3	80
5	August 7, 1987	Fiorinal #3	100
6	August 31, 1987	Fiorinal #3	100
7	November 4, 1987	Fiorinal #3	50
8	November 23, 1987	Fiorinal #3	25

9 b. Excessive prescribing is manifested by Respondent's
 10 prescribing of drugs in the absence of any significant medical
 11 indications. The aforementioned controlled substances and
 12 dangerous drugs were prescribed numerous times without any
 13 documentation as to any medical symptoms exhibited by patient
 14 George R.

15 c. As a result of Respondent's excessive prescribing
 16 of the aforementioned controlled substances and dangerous drugs,
 17 patient George R. became addicted to said controlled substances
 18 and dangerous drugs. Respondent did not recognize patient George
 19 W.'s drug-seeking behavior. However, after patient George R.
 20 indicated his belief that he was addicted to said drugs after he
 21 suffered a convulsion, Respondent immediately dismissed him as a
 22 patient rather than assist him with detoxification.

23 d. During the course of Respondent's treatment of
 24 patient George R., Respondent's medical record keeping was
 25 substandard. He failed to adequately document the patient's
 26 medical history and physical examination findings nor were proper

27

1 medical diagnoses listed. Respondent also failed to properly
2 document medication dosages of the prescribed medication.

3 e. Respondent's furnishing and prescribing of
4 controlled substances and dangerous drugs as described
5 hereinabove in subparagraphs (a), (b), and (c) constitutes
6 excessive prescribing of drugs within the meanings of Business
7 and Professions Code section 725; the providing of dangerous
8 drugs without a good faith examination and medical indication
9 therefor in violation of Business and Professions Code section
10 2242; prescribing of a controlled substance for other than a
11 legitimate medical purpose in violation of Health and Safety Code
12 section 11153; prescribing for someone not under treatment for a
13 pathology or condition in violation of Health and Safety Code
14 section 11154; and issuing a false or fictitious prescription in
15 violation of Health and Safety Code section 11157.

16 f. Respondent has further subjected his license to
17 disciplinary action under Business and Professions Code section
18 2234 on the grounds of unprofessional conduct as defined by
19 section 2234(d) in that he is guilty of incompetence as a result
20 of his aforementioned acts as described in subparagraphs (a)
21 though (d) above.

22 g. Respondent has further subjected his license to
23 disciplinary action under Business and Professions Code section
24 2234 on the grounds of unprofessional conduct as defined by
25 section 2234(c) in that he is guilty of repeated negligent acts
26 as a result of his aforementioned acts as described in
27 subparagraphs (a) through (d) above.

1 h. Respondent has further subjected his license to
2 disciplinary action under Business and Professions Code section
3 2234 on the grounds of unprofessional conduct as defined by
4 section 2234(b) in that he is guilty of gross negligence as a
5 result of his aforementioned acts as described in subparagraphs
6 (a) through (c) above.

7 i. The violation of Business and Professions Code
8 sections 725, 2242, 2234 and Health and Safety Code sections
9 11153, 11154, and 11157 constitutes the violation of statutes of
10 the State of California regulating dangerous drugs or controlled
11 substances and as such violates Business and Professions Code
12 section 2238.

13 PATIENT WENDY P.

14 5. Respondent is further subject to disciplinary on
15 account of the following:

16 a. Patient Wendy P. was first seen as a patient of
17 Respondent in or around January 1980. On or about October 4,
18 1983, patient Wendy P. went to see Respondent because she had a
19 fever and headache and was vomiting. Respondent examined patient
20 Wendy P.'s throat, ears, lungs, heart and abdomen. No specific
21 diagnosis was made by Respondent at that time, but Wendy P. was
22 admitted to a hospital for "headache and fever of unknown
23 origin." Wendy P.'s history and physical examination did not
24 indicate a listing of her last menstrual period, but that she
25 denied the use of medication including birth control pills. In
26 addition, Respondent failed to perform the appropriate histories
27 and physical examinations, and he also failed to document

1 medication dosages and durations. Respondent did not perform a
2 pelvic examination until October 7, 1983. Wendy P. was diagnosed
3 as having a yeast infection. She was discharged from the
4 hospital on or about October 8, 1983. Subsequently, on or about
5 December 9, 1983, Wendy P. was examined at the Medical Clinic for
6 Women where she was discovered to be approximately 20 weeks
7 pregnant. Wendy P. delivered her baby by Caesarean section on or
8 about May 11, 1984. At the time of her pelvic examination by
9 Respondent on or about October 7, 1983, patient Wendy P. was
10 approximately 11 weeks pregnant.

11 b. Respondent has subjected his license to
12 disciplinary action under Business and Professions Code section
13 2234 on the grounds of unprofessional conduct as defined by
14 section 2234(b) of the Code in that he is guilty of gross
15 negligence as set forth in subparagraph (a) above for
16 misdiagnosing Wendy P.'s condition as a "yeast infection" when
17 she was pregnant. As a result of Respondent's misdiagnosing her
18 pregnancy, Wendy P. was subsequently exposed to x-rays and
19 subjected to medications that are contraindicated in pregnancy.

20 c. Respondent has further subjected his license to
21 disciplinary action under Business and Professions Code section
22 2234 on the grounds of unprofessional conduct as defined by
23 section 2234(d) of the Code in that he is guilty of incompetence
24 for failure to diagnose patient Wendy P.'s pregnancy, for his
25 failure to perform the appropriate medical histories and physical
26 examinations, and/or for his failure to document medication
27

1 dosages and duration, as described more particularly in
2 subparagraph (a) above.

3 WHEREFORE, Complainant prays that the Division of
4 Medical Quality hold a hearing on the above matters alleged
5 herein and following said hearing issue a decision:

6 1. Suspending or revoking the certificate issued to
7 respondent Gerald D. Lundahl, M.D.;

8 2. Prohibiting respondent Gerald D. Lundahl, M.D.,
9 from supervising a physician assistant; and

10 3. Taking such other and further as may be proper.

11
12 DATED: 4-29-93



DIXON ARNETT
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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